

Amendments to the claims:

The listing of claims will replace all prior versions and listings of claims in the application.

In the Claims

1-35. (Canceled)

36. (Currently amended) A method of ~~using body tissue, said method comprising the steps of removing fetal tissue from a donor by cutting fetal tissue to separate portions of the fetal tissue from other portions of the donor and moving the separated portions of fetal tissue along a passage under the influence of suction, and implanting the separated portions of fetal tissue in a patent obtaining fetal tissue in utero while maintaining viability of the fetus and of the fetal tissue obtained, said method comprising the steps of cutting the fetal tissue from the fetus by inserting a flexible apparatus and moving the fetal tissue along a passage by suction.~~

37. (Canceled)

38. (Previously presented) The method of claim 36 wherein rotating motion is used to cut the fetal tissue.

39. (Previously presented) The method of claim 36 wherein reciprocating motion is used to cut the fetal tissue.

40. (Previously presented) The method of claim 36 further comprising the step of irrigating the fetal tissue.

41. (Previously presented) The method of claim 40 wherein the irrigation and suction alternate.

42. (Previously presented) The method of claim 40 wherein the irrigation and suction occur substantially simultaneously.

43. (Previously presented) The method of claim 36 wherein the passage includes a filter.

44. (Previously presented) The method of claim 36 further including the step of centrifuging the separated portions of the fetal tissue.

45. (Currently amended) The method of ~~using body tissue~~ claim 36, said method further comprising the steps of removing fetal tissue from a donor by cutting fetal tissue to

~~separate portion of the fetal tissue from other portions of the donor and moving the separated portions of fetal tissue along a passage under the influence of suction, and implanting the separated portion of fetal tissue in a patient, wherein prior to implantation the separated portions of the fetal tissue are is combined with a material selected from the group consisting of tissue grafts, collagen, antibiotics, and bone growth promoting substances.~~

46. (Previously presented) The method of claim 45 wherein the bone growth promoting substances are hydroxyapatite or tricalcium phosphate.

47. (Currently amended) The method of claim 36 wherein an adhesive element is added to the ~~separated portions of~~ fetal tissue.

48. (Previously presented) The method of claim 47 wherein the adhesive element is blood or fibrin.

49. (Currently amended) The method of claim 36, further comprising said method comprising the steps of removing fetal tissue from a donor by cutting fetal tissue or separate portions of the fetal tissue from other portions of the donor and moving the separated portions of fetal tissue along a passage under the influence of suction, adding the ~~separated portions of~~ fetal tissue to a biodegradable material, and implanting the separated portions of fetal tissue in a patient.

50. (Currently amended) The method of claim 36 further comprising ~~the step of~~ adding the ~~separated portions of~~ fetal tissue to a polymer.

51. (Canceled)

52. (Currently amended) The method of claim 36 wherein ~~at least one of the steps of~~ cutting ~~and implanting~~ is performed under x-ray guidance.

53. (Currently amended) The method of claim 36 wherein ~~at least one of the steps of~~ cutting ~~and implanting~~ is performed through a cannula.

54. (Previously presented) The method of claim 36 wherein at least one of the steps of cutting and implanting is performed under endoscopic, arthroscopic, or fiber option guidance.

55. (Currently amended) The method of claim 36 wherein the ~~separated portions of~~ fetal tissue ~~are is~~ formed into an implant ~~prior to implantation~~.

56. (Canceled)

57. (New) The method of claim 36 wherein the apparatus comprises a flexible shaft, a cutting tip mounted on a distal portion of the flexible shaft, and drive means connected in force-transmitting relationship with the flexible shaft for transmitting force to move the cutting tip.

58. (New) The method of claim 57 wherein the apparatus further comprises suction means connected with the flexible shaft for removing the fetal tissue.

59. (New) The method of claim 58 wherein the flexible shaft includes a flexible inner member which is rotatable about a central axis of the shaft and an outer member which extends along and encloses the inner member.

60. (New) The method of claim 59 wherein the outer member has greater rigidity than the inner member.

61. (New) The method of claim 60 wherein the passage is located between the inner and outer members.

62. (New) The method of claim 55 wherein the implant includes collagen.

63. (New) The method of claim 55 further comprising implanting the fetal tissue in a patient.

64. (New) The method of claim 63 wherein the implant is implanted in a bone of the patient.

65. (New) The method of claim 63 wherein the fetus is the patient.